

Appl. No.	:	10/596,568	Confirmation No.:	7936
Applicant:	:	Joachim Bruchlos		
Filed:	:	January 25, 2007		
Title:	:	Utilization Method and System within		
	:	a Communications Network		
TC/A.U.	:	3685		
Examiner:	:	Dante Ravetti		
	:			
Docket No.	:	DE920030038US1 (114)		
Customer No.	:	44,870		

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PO Box 1450  
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***REPLY BRIEF IN COMPLIANCE WITH 37 CFR 41.41***

In response to the Examiner's Answer dated as mailed August 3, 2010 this reply brief is being submitted.

**Status of Claims**

A. Status of All Claims

1. Claims cancelled: 1-20.
2. Claims withdrawn from consideration but not cancelled: 30-34
3. Claims objected to: None
4. Claims allowed or confirmed: None
5. Claims rejected: 21-29 and 35-40.

B. Claims on Appeal

The claims on appeal are: 21-29 and 35-40.

**Summary of Claimed Subject Matter**

In addition to the Summary of Claimed Subject Matter provided in Applicant's prior appeal brief, Applicant adds as follows:

Claim 22 is dependent claim depending directly from independent claim 21. Claim 22 provides the feature that evaluating the status of the at least one parameter in claim 21 comprises evaluating a status of a Boolean parameter which indicates if the meter event request is allowed to be stored in the cache memory. This feature is described in the specification in paragraphs [0035] and [0036] with reference to Figure 1 and reference numeral or step 24.

Claim 36 in a dependent claim depending directly from independent claim 35. Claim 35 also provided the feature that evaluating the status of the at least one parameter in claim 35 comprises evaluating a status of a Boolean parameter which indicates if the meter event request is allowed to be stored in the cache memory. As just discussed, this feature is described in the specification in paragraphs [0035] and [0036] with reference to Figure 1 and reference numeral or step 24.

**Grounds of Rejection to be Reviewed on Appeal**

Whether claims 21-29 and 35-40 are unpatentable under 35 USC §112, first paragraph as failing to comply with the written description requirement.

Whether claims 21-29 and 35-40 are unpatentable under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Whether claims 21-29 and 35-40 are unpatentable under 35 USC §103 (a) as being obvious over Bunch (US Patent No. 6,795,856; hereinafter Bunch) in view of Coley et al. (U.S. Patent Pub. No. 2001/0011253; hereinafter Coley).

## **VII. Arguments**

### **Rejection under 35 U.S.C. §112, First Paragraph**

#### **Claims 21-29 and 35-40**

Applicant's prior appeal brief presents the arguments regarding the rejection of claims 21-29 and 35-40 under 35 U.S.C. §112, first paragraph and no new arguments are presented.

### **Rejection under 35 U.S.C. §112, Second Paragraph**

#### **Claims 21-29 and 35-40**

Applicant's prior appeal brief presents the arguments regarding the rejection of claims 21-29 and 35-40 under 35 U.S.C. §112, second paragraph and no new arguments are presented.

### **Rejection under 35 U.S.C. §103(a) as being obvious in view Bunch and further in view of Coley**

#### **Claims 21-29 and 35-40**

Applicant's prior appeal brief presents arguments with respect to the rejection of claims 21-29 and 35-40 under 35 U.S.C. §103(a) as being obvious in view Bunch and further in view of Coley. In addition to these arguments, Applicant adds the following arguments with regard to claims 22 and 36:

The examiner admits on page 10 of the Examiner's Answer that Bunch does not teach the features of claims 22 and 36 and asserts that evaluating the status of a Boolean parameter which

indicates if the meter request is allowed to be stored is old and well known in the art. Applicant respectfully disagrees. Additionally, on page 13 of the Examiner's Answer, the examiner points out that Official Notice was taken to indicate that evaluating the status of the at least one parameter comprises evaluating the status of a Boolean parameter which indicates if the meter event request is allowed to be stored in the cache memory and deleting, by the meter handler, the entire contents of the cache memory. This Official Notice is respectfully traversed. Applicant respectfully submits that the specific features of claims 22 and 36 are not known in the art and requests that evidence be provided to support the Office Notice taken to overcome the deficiencies of Bunch and Coley with respect to the rejection of claims 22 and 36.

Additionally, claim 22 depends directly from independent claim 21 and claim 36 depends directly from independent claim 35. Because of these dependencies, claims 21 and 36 include all of the features of claims 21 and 36, respectively. In that Bunch and Coley fail to teach the features of claims 22 and 36 and because claims 22 and 36 include all of the features of claims 21 and 36 which are patentable over Bunch and Coley as discussed in Applicant's prior appeal brief, claims 22 and 36 are also respectfully submitted to be patentable over the cited documents. Reconsideration and withdrawal of the Section 103 of claims 22 and 36 is respectfully requested.

**Conclusion**

For the reasons discussed above and in Applicant's prior appeal brief, Applicant respectfully submits that the rejections standing in this application are improper. As discussed above and in Applicant's prior appeal brief, claims 21-29 and 35-40 satisfy the requirements of 35 U.S.C. § 112. Additionally, the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claims 21-29 and 35-40. Therefore, Applicant respectfully submits these claims are in condition for allowance. Reversal of the rejection of claims 21-29 and 35-40 is respectfully requested.

Respectfully submitted,

Joachim Bruchlos  
(Applicant)

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By: Charles L. Moore

Charles L. Moore  
Registration No. 33,742  
Moore & Van Allen PLLC  
P.O. Box 13706  
Research Triangle Park, N.C. 27709  
Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

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